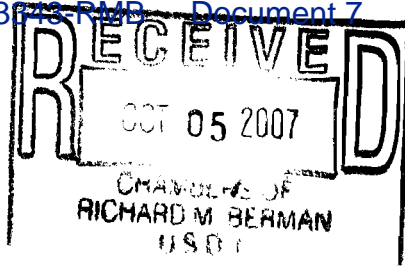


**Ogletree
Deakins**



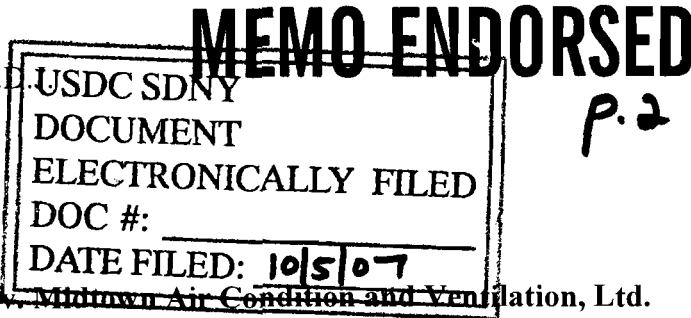
OGLETREE, DEAKINS, NASH,
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October 5, 2007

VIA HAND DELIVERY

Honorable Richard M. Berman, U.S.D.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 14A
New York, New York 10007



Re: **Angel Vargas, et al. v. Midtown Air Condition and Ventilation, Ltd.**
Case No. 1:07-cv-03343-RMB

Dear Judge Berman:

This firm represents Midtown Air Conditioning and Ventilation, Ltd., the defendant in the referenced employment discrimination matter. The purpose of this letter is to respectfully request a two month extension of the initial four month discovery schedule, as well as a continuance of the settlement conference currently scheduled for October 9, 2007. The parties first requested an extension of the discovery schedule on September 26, 2007 from Magistrate Judge Henry Pitman. However, on October 3, 2007, Magistrate Judge Pitman directed the defendant to apply directly to Your Honor because the matter had not been referred to him.

The instant complaint was filed by plaintiffs Angel Vargas, Bernardo Ramirez, Ryan McKenzie, Felix Bonilla, and Simon Norales on April 26, 2007. Defendant filed its answer on May 22, 2007. On June 5, 2007, the parties appeared before Your Honor for the initial scheduling conference. According to the Minute Entry recorded on June 8, 2007, Your Honor ordered that discovery is "due by October 9, 2007." Both parties have exchanged discovery requests and received initial responses thereto.

Despite diligent efforts, however, the parties will be unable to complete discovery by October 9, 2007. There are presently four subpoenas outstanding to third-party witnesses. In addition, although plaintiffs have provided documents and interrogatory responses, the parties are engaging in efforts to resolve some discovery issues. Defendant is optimistic that these issues will be resolved without the need of Your Honor's intervention. Although deposition dates have been scheduled previously, depositions have been adjourned pending completion of the written discovery process. Thus, the parties have not had an opportunity to depose the key witnesses involved in this case.

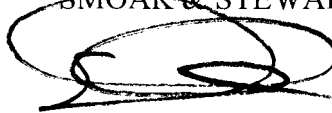
Honorable Richard M. Berman, U.S.D.J.
October 5, 2007
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We have contacted counsel for plaintiffs and advised that defendant is requesting a sixty-day extension of discovery. Ambrose Wotorson, counsel for plaintiffs, consents to a sixty-day extension of the discovery deadline. Accordingly, we respectfully request that the Court adjourn the existing discovery end date of October 9, 2007, and set a new discovery deadline of December 10, 2007.

Additionally, because the parties believe that the settlement conference will be most productive after they have obtained the discovery they require, the parties respectfully request that the Court continue the matter to a date near the new discovery deadline. Thank you for your kind consideration of this request.

Respectfully Submitted,

OGLETREE, DEAKINS, NASH,
~~SMOAK & STEWART~~, P.C.,



Dominick C. Capozzola

cc: Ambrose Wotorson, Esq. (by facsimile)

DISCOVERY DEADLINE (FACT & EFFECT)
FINAL EXTENSION IS GRANTED.
THE SETTLEMENT CONFERENCE IS
ADJOURNED UNTIL 12/17/07 WITH
PRINCIPALS AT 10:30 A.M.

SO ORDERED:

Date: 10/5/07

Richard M. Berman

Richard M. Berman, U.S.D.J.